



**MILWAUKEE COUNTY
DEPARTMENT OF ADMINISTRATION**

PROCUREMENT DIVISION

BID REQUEST

252008

OPENING DATE: 12/21/2005

BID/QUOTATION
REQUEST

Buyer No.: 07
SUNG YE JACOBS
414-223-8103

MILWAUKEE COUNTY
DIVISION OF PROCUREMENT

City Campus
2711 W. Wells Street
5th Floor
Milwaukee, Wisconsin 53208

Bid Number: 252008

Mailing Date: 12/7/2005

Note: Effective October 24, 2003 ALL BIDS/QUOTES/RFPs are to be downloaded from the Milwaukee County website www.milwaukee.gov

COMMODITY:

HEATER (PRE-MIX F/HEATING)

TIME AND PLACE:

Effective April 4, 2005, sealed bids for furnishing the following will be received at the office of the Milwaukee County Procurement Office, 2711 W. Wells, 5th Fl. Milwaukee, Wisconsin 53208 until 1:30 P.M. on 12/21/2005. Bids will be opened and read the same day at 2:30 P.M. at the Procurement Division Office.

I/We agree to furnish the above according to your specifications, at prices hereon and according to conditions on this form

ONLY CASH DISCOUNTS OF 30 DAYS OR MORE
SHALL BE DEDUCTED IN DETERMINING THE LOW
BIDDER

Cash discount for payment following acceptance of goods and

receipt of invoice _____ % _____ days.

Delivery shall be made not later than _____ work days after

receipt of order. (FOB Destination) (Freight Included)

FAX No. _____

BIDS NOT MANUALLY SIGNED SHALL NOT BE ACCEPTED

Please print the following:

Firm Name _____

Address _____

City & State _____ Zip _____

Phone No. _____ Date _____

Name/Title _____

Signature _____

Email _____

SPECIAL INSTRUCTIONS:

"NO PREVIOUS BID"

BID NOTES: _____

----- DBE PARTICIPATION -----

PURSUANT TO MILWAUKEE COUNTY GENERAL ORDINANCE, 32.25 (7) (D), NOT WITHSTANDING ANY OTHER PROVISIONS TO THE CONTRARY, THE PURCHASING ADMINISTRATOR OR DESIGNEE SHALL HAVE THE AUTHORITY WHEN A CONTRACT IS BEING AWARDED THROUGH THE OPEN MARKET, INFORMAL, AND FORMAL BIDDING PROCESSES, (ALL OTHER CIRCUMSTANCES BEING EQUAL), TO AWARD A CONTRACT TO ANY CERTIFIED DISADVANTAGED BUSINESS ENTERPRISE, (DBE), THAT HAS SUBMITTED A RESPONSIVE, RESPONSIBLE BID, QUOTE, OR PROPOSAL THAT IS NOT MORE THAN FIVE, (5) PERCENT HIGHER THAN APPARENT LOW PRICE/BID. THIS PROVISION IS LIMITED TO DBE FIRMS CERTIFIED BY THE MILWAUKEE COUNTY DISADVANTAGED BUSINESS DEVELOPMENT PROGRAM, DANE COUNTY, CITY OF MADISON, AND WISCONSIN UNIFIED CERTIFICATION PROGRAM PRIOR TO THE DATE PRICES ARE RECEIVED.

OBTAINING BID RESULTS

BID RESULTS WILL NOT BE PROVIDED OVER THE PHONE. HOWEVER, A SUMMARY OF EACH BID, WITH THE NAME OF ALL BIDDERS, IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE PROCUREMENT DIVISION DURING REGULAR COUNTY BUSINESS HOURS (8:00 A.M. TO 5:00 P.M.) FOR A PERIOD OF NOT LESS THAN TEN (10) DAYS AFTER AWARD.

CONTINUED ON PAGE 2

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Page No. : 2

THE RIGHTS OF ANY PERSON WHO REQUESTS INSPECTION OR COPIES OF A PUBLIC RECORD ARE GOVERNED BY THE PROVISIONS AND GUIDELINES OF SEC. 19.35(1), WIS. STATS.

A REQUEST TO REVIEW OR COPY A RECORD IS DEEMED SUFFICIENT IF IT REASONABLY DESCRIBES THE REQUESTED RECORD OR THE INFORMATION REQUESTED.

COPIES ARE AVAILABLE FOR A FEE OF 15 CENTS FOR EACH PAGE, IF PICKED UP BY THE REQUESTOR IN PERSON.

COPIES REQUESTED BY MAIL ARE 15 CENTS PER PAGE PLUS SHIPPING AND HANDLING CHARGES.

***** NON-COLLUSION STATEMENT *****

"BY SIGNING BELOW, VENDOR/CONTRACTOR HEREBY CERTIFIES THAT BID/RFP HAS BEEN MADE WITHOUT ANY CONNECTION WITH ANY OTHER VENDOR/CONTRACTOR AND IS IN ALL RESPECTS FAIR AND WITHOUT COLLUSION OR FRAUD, AND IT IS MADE WITH THE UNDERSTANDING THAT NO ELECTED OFFICER OR ANY EMPLOYEE OF MILWAUKEE COUNTY IS INTERESTED THEREIN, DIRECTLY OR INDIRECTLY UNLESS OTHERWISE STATED."

WISCONSIN'S RIGHT TO KNOW LAW:

IT IS A DIRECT CONDITION OF THE TERMS OF THIS BID/RFP THAT IF THERE BE ANY TOXIC SUBSTANCES, MATERIALS OR INFECTIOUS AGENTS, THE VENDOR/CONTRACTOR SHALL SUPPLY ONE COPY OF MATERIAL SAFETY DATA SHEETS AND PRODUCT LABELING INFORMATION WITH THIS BID/RFP. MILWAUKEE COUNTY RESERVES THE RIGHT TO REJECT ANY BID/RFP NOT IN COMPLIANCE.

FAILURE TO RESPOND MAY RESULT IN REMOVAL FROM THIS BID/RFP LIST. IF YOU ARE NOT BIDDING/RESPONDING THIS TIME, BUT MAY WANT TO IN THE FUTURE, RETURN THE FIRST PAGE OF THE BID/RFP MARKED "NO BID/RESPONSE AT THIS TIME, PLEASE RETAIN US ON YOUR LIST.

PLEASE INCLUDE YOUR COMPANY'S FAX NUMBER INCLUDING AREA CODE ON YOUR BID/RFP/QUOTE RESPONSE.

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NOTE: PLEASE INDICATE THE BID
NUMBER ON THE FRONT OF THE
ENVELOPE WHEN RETURNING YOUR
BID TO INSURE YOUR
DOCUMENT IS PROCESSED ON
THE SCHEDULED OPENING DATE

"THE CONTRACTOR, VENDOR OR PROFESSIONAL ALSO REPRESENTS,
WARRANTS AND COVENANTS THAT ALL PRODUCTS OR SERVICES
PROVIDED OR SUPPLIED WILL NOT BE INTERRUPTED PRIOR TO,
DURING OR AFTER THE CALENDAR YEAR 2000 A.D."

1 Bid Items

Ship To: 441 MILWAUKEE COUNTY, DEPT. OF PUBLIC WORKS, FLEET MANAGEMENT, 10320 WATERTOWN PLANK ROAD
MILWAUKEE, WI 53226

001 M194445

U/M: EACH

REQUISITION #: RX 53000000023919

QTY: 1

KETTLE ASPHALT HEATING

PURCHASE REQUISITION/BID REQUEST

FOR THE PURCHASE OF:

ONE (1) SLIP-IN STYLE PRE-MIX HEATER FOR HEATING,
HAULING, STORING AND DISPENSING BITUMINOUS PATCHING
MATERIAL

2005 BUDGET, LINE 3, \$35,000 ALLOCATED

STATE MFGRS. NAME & NO.

ENCLOSE DESCRIPTIVE LITERATURE.

\$ _____ EACH

END OF BID DOCUMENT

GENERAL DIRECTIONS FOR BIDDING

1. **How to Bid**
All Bids shall be submitted on the official form furnished by the *Procurement Division* and identified with the firm name and manually signed. Unsigned bids shall not be considered. If this form does not provide sufficient space, bidders shall attach a sheet supplying the additional information. This sheet shall also be signed as required above to properly identify attachments.
2. **How to Amend a Bid Before Due Date and Time**
After a bid has been filed at the *Office of the Procurement Division* and the bidder desires to amend this bid, he may do so before the due date and time by filing an amendment fully identified with the original bid submitted by number, commodity and opening date. All of the conditions and provisions of the Invitation to Bid shall be in effect. *This must be submitted before the date and time for receipt of bid as set forth in the Invitation to Bid. No bids or amendments shall be accepted after the bid opening date and time specified.*

TERMS AND CONDITIONS OF BID

1. **Award**
The *Purchasing Administrator* reserves the right to award a separate contract for each item unless otherwise specified in the bid; any group of items, or all items; or to reject any or all bids or any portion of any or all bids when, in the opinion of the *Purchasing Administrator*, the best interest of the County will be served thereby.
2. **Tie bids**
If there are tie bids, award shall be made in accordance with tie bid provisions as outlined in Chapter 32 of the Milwaukee County General Ordinances.
3. **Changes in specifications not permitted**
Do not change any of the terms of the specifications. Such changes shall constitute a counter offer. Any bids received with such changes shall be rejected.
4. **Execution of contract**
Successful bidder agrees to enter into contract with Milwaukee County and, when required, to furnish a performance bond of surety company authorized to do business within the State of Wisconsin in the amount specified on the Invitation to Bid, and to complete the affixing thereon of the necessary signatures of contractor and surety and return to the *Procurement Division* within fifteen working days of written request to do so.
5. **Delays in delivery**
Delays in delivery caused by bona fide strikes, government priority or requisition, riots fires, sabotage acts of God or any other delay deemed by the *Purchasing Administrator* to clearly and unequivocally beyond the contractor's control, shall be recognized by the County. The vendor may be relieved of meeting delivery time specified, if vendor files with *Purchasing Administrator* a request for extension of time, signed by a responsible official, giving in detail all the essential circumstances which, upon verification by the *Purchasing administrator*, Justifies such extension.
6. **Patents**
This order is given upon the condition that Milwaukee County is protected by the vendor against all liability, loss or expenses by reasons of any patent or trademark litigation now existing or hereafter instituted, arising out of any alleged infringement of patent or trademark on merchandise hereby ordered, or any part thereof.
7. **Non-Discrimination**
The contractor, lessee, purchaser, etc., agrees not to discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, sex, or handicap, which shall include, but not limited to: recruitment or recruitment advertising; employment; upgrading; demotion or transfer; lay-off or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship. A violation of this provision shall be sufficient cause for the County to terminate the contract, lease, order, etc. pursuant to County Ordinance 56.17 – Non Discriminatory Contracts.
8. **Delivery terms**
Bids shall include delivery costs to the specified delivery point, all transportation charges prepaid and borne by you.
9. **Taxes**
Milwaukee County is exempt from Federal Excise Tax and Wisconsin State Sales Tax. Bids should be submitted without such taxes.
10. **Code of Ethics**
Milwaukee County Code of Ethics states in part, "No person may offer to give to any County Officer or employee or his/her immediate family, and no County Officer, or employee or his/her immediate family may solicit or receive anything of value pursuant to an understanding that such officer's or employees' vote, official action or judgment would be influenced thereby."
11. **New and Unused**
Bids not meeting the minimum requirements specified shall be rejected. All merchandise shall be new and unused unless specified in the specifications.
12. **Funding**
If funds are not appropriated for payment of this contract, Milwaukee County may terminate contract at the end of any fiscal year upon 30 days written notice without any early termination penalties, charges, fees or costs of any kind to Milwaukee County.
13. **Retention of Records**
Contractor agrees to retain all records related to this contract for a period of at least three years from final date of payment under this contract
14. **Audit of Records**
Contractor shall permit the authorized representatives of the County Auditor, after reasonable notice, the right to inspect and audit all data and records of contractor related to carrying out the contract for a period of up to three years after completion of the contract. If subcontractors and/or associates are utilized, prime contractor shall have a written contractual agreement with County approved subcontractors and/or associates which bind the subcontractor to the same audit contract terms and conditions as the prime contractor.

SECTION 32.20

(14) Computation of time limits expressed in hours or days shall exclude Saturdays, Sundays, and legal holidays.

32.26 PROTEST AND APPEAL PROCEDURE.

Protests to any sealed bid procurement or award recommended by the Purchasing Administrator may be made by any bidder and/or using department head as follows:

(1) Prior to Bid Opening:

- (a) Protests to form and content of bid documents shall be received by the Purchasing Administrator not less than five days prior to the time scheduled for bid opening. A protest shall be in writing and state the reason for it.
- (b) The Purchasing Administrator shall review protests and if modification is necessary, the bid opening date shall be extended and addenda containing the changes shall be sent to each bidder. If modification is rejected, the protestor shall be notified. The decision of the Purchasing Administrator is final.

(2) After Bid Opening:

- (a) Protests concerning irregularities on sealed bid opening procedures or compliance by bidders with bid documents shall be received by the Purchasing Administrator within 72 hours after time of bid opening
- (b) When a sealed bid is to be awarded to other than low bidder, all bidders shall be notified in writing by certified mail, return receipt requested, of the proposed award. Protests to the award must be delivered to the Purchasing Administrator within 72 hours after receipt of notice.
- (c) A Protest under either (a) or (b) must be in writing and state the reason for it. The Purchasing Administrator shall review the protest and notify the protestor of a decision in writing by certified mail, return receipt requested within five days. No contract shall be awarded while protest is pending. A protest, which is untimely, fails to state the reason for it or should have been made prior to bid opening, is invalid. The decision of the Purchasing Administrator disqualifying the protest for these reasons is final and cannot be appealed.

(3) Appeals to Purchasing Standardization Committee

- (a) Protests from decision of the Purchasing Administrator shall be made to the Purchasing Standardization Committee by delivering a written request for appeal hearing both to the Procurement Division and the Purchasing Standardization Committee within 72 hours after receipt of the Purchasing administrator's decision.
- (b) The request shall state the grounds upon which the protest is based and shall request an appeal hearing. No contract shall be awarded until final disposition of the protest.
- (c) The Chairman of the Purchasing Standardization Committee shall notify all interested persons of the time and place of the hearing.
- (d) The Purchasing Standardization Committee shall affirm, reverse or modify the decision of the Purchasing Administrator and its decision shall be final.

Written appeals to the
Purchasing Standardization Committee
Shall be addressed as follow:

Purchasing Standardization Committee
C/O Milwaukee County Procurement Division
2711 W. Wells, 5th Floor
Milwaukee, WI 53208